MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2018/2019

UIF2612 – ISLAMIC FAMILY LAW

(All Sections / Groups)

30 MAY 2019
Reading Time : 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 4 pages with 5 Questions only.

3. This Question paper consist of 2 sections. Attempt ONE question only in Section A and all THREE questions in Section B. The distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of statutes into the exam venue. "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

SECTION A (Answer ONE question only)

QUESTION 1

Sudirman and Fasha were married in 2006 in Kuala Lumpur. Sudirman is an active *pendakwah*. He travels often to Kelantan and Sabah to conduct religious teachings. Sudirman and Fasha have two children, Misha, aged four years and Rahman, aged one year.

Sudirman met Suhana, aged 25 years old, who is a teacher in a village of Sabah. Sudirman has approached Suhana's parents for her hand in marriage and informed them that he is a married man with two children. Suhana's father, however, objected to the proposed marriage because he does not want his daughter to marry a married man. Suhana was upset with her father's objection and wished to file an application for the appointment of a Wali Raja to enable her to marry Sudirman.

Sudirman has informed Fasha that he has put in an application to marry Suhana but Fasha objected to his marriage for she is still young and is able to conceive his children and she feels that Sudirman is not financially capable to maintain two households.

With reference to Hukum Syara', statutory provisions and relevant cases, discuss on whether the applications by Sudirman and Suhana would be approved by the Syariah Court.

(Total: 25 marks)

QUESTION 2

Lela has made an application to the Syariah Court in Kuala Lumpur seeking for the appointment of a Wali Raja. Her father had refused to give his consent to her proposed marriage to her boyfriend, Abdullah. When her father was summoned to the Syariah Court, he stated several reasons for his refusal. Among them were:

a) Abdullah is a Bangladesh citizen;

b) He thought that Abdullah could not provide a comfortable life to his daughter;

c) He did not want his daughter to encounter any difficulties in the future for marrying a foreigner; and

d) He had already found a suitable candidate to marry off his daughter.

Continued...

As the Syariah Judge who will hear the application, discuss whether you would allow Lela's application for the appointment of a Wali Raja.

(Total: 25 marks)

SECTION B (Answer all THREE questions)

QUESTION 3

a) Aminah appointed you as her Peguam Syarie and seeks your advice on the following matters:

She has been married to Ayob for 25 years. They have two children, Azman, aged 21 years and Dina, aged 20 years, who are both studying overseas. When she was informed by her husband that he had contracted a second marriage, she felt betrayed. With Ayob's permission, however, she went off to Mecca to perform *umrah* with her parents for a month. Upon her returned, she was shocked to discover that Nisha, the second wife, was staying in their house. She had a heated argument with her husband during which he uttered to her:

"I divorce you, I divorce you, I divorce you".

Aminah left the house and went to stay at her parents' house. Aminah wishes to know her status.

(13 marks)

b) Two weeks later, Ayob came to Aminah's parents' house and persuaded her to return and promised to rent a house for Nisha. The house rented to Nisha was two streets away. Most of the nights, Ayob was at Nisha's house. Aminah was miserable and felt that Ayob is not being fair. She asked for a divorce but Ayob refused to divorce her. Aminah however felt that she is no longer loves Ayob and can live without him.

Aminah wishes to know whether she could dissolve her marriage despite Ayob's refusal.

(12 marks)
(Total: 25 marks)

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QUESTION 4

Yusri and Intan began dating about two years ago and got married shortly after. They were blessed with a child, Adi, 6 months. During their marriage, Yusri bought their matrimonial home under his name. After Yusri got promoted as a Manager at his workplace, Intan decided to quit her job in order to focus on their marriage and the running of the household. After a year, their indifference starts taking its toll on their marriage. After a huge argument, Intan decided to leave their matrimonial home. Yusri forbad Intan to leave and ordered her to stay home. She refused to listen to him and left the house that night with Adi. Yusri has pronounced *talaq* and Intan now is in her *iddah* period. She seeks your advice on the following matters;

a) What are the rights that Intan may claim after the divorce according to Islamic Family Law (Federal Territories) Act 1984 and Shariah law?

(15 marks)

b) Intan is worried that she will lose her right to custody since she is not working. Advise Intan on her right to custody and maintenance of Adi.

(10 marks)
(Total: 25 marks)

QUESTION 5

Badrul is the owner of BB Chicken Rice Restaurant when he married Salwa, a graduate teacher, in 2006. After the birth of their two children, Badrul asked Salwa to be a full-time housewife.

Early in 2007, Badrul took a bank loan and purchased a house. Two years later Badrul brought a fifteen-acre piece of land for chicken-farming and it was registered in his name. Part of the payment was from Salwa's saving.

Since 2010, Badrul's business flourished and he opened five new BB Chicken Rice Restaurant branches in West Malaysia.

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Their marriage was a very happy one until early 2013 when Badrul took second wife, Rosie. Since then, the relationship between Badrul and Salwa has been strained. Badrul has behaved very badly towards Salwa and was often bad tempered. He assaulted her and treated her unfairly. He spent more days with Rosie and often did not return to Salwa's house for a few months. Recently, Salwa has asked Badrul for a divorce but he refused. He still loves Salwa and the children very much.

Salwa wants to dissolve her marriage. Advise Salwa the possible ground on which she can dissolve her marriage.

(Total: 25 marks)

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